

SENATE BILL NO. 394

INTRODUCED BY K. BALES

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE TYPES OF ELECTIONS FOR WHICH A MAIL BALLOT ELECTION MAY BE CONDUCTED; ALLOWING ANY ELECTION TO BE CONDUCTED BY MAIL BALLOT IF CERTAIN CONDITIONS ARE MET; AND AMENDING SECTIONS 13-19-101, ~~AND~~ 13-19-104, 13-19-202, AND 13-19-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-19-101, MCA, is amended to read:

"13-19-101. Statement of purpose. The purpose of this chapter is to provide the option of conducting ~~certain specified~~ elections using a procedure called a "mail ballot election" and to provide the procedures ~~therefor~~ for mail ballot elections. The provisions of this chapter recognize that sound public policy concerning the conduct of elections often requires the balancing of various elements of the public interest that are sometimes in conflict. Among these factors are the public's interest in fair and accurate elections, the election of those who will govern or represent, and cost-effective administration of all functions of government, including the conduct of elections. The provisions of this chapter further recognize that when these and other factors are balanced, the conduct of elections by mail ballot is potentially the most desirable of the available options in certain circumstances."

Section 2. Section 13-19-104, MCA, is amended to read:

"13-19-104. Mail ballot elections not mandatory -- when authorized -- ~~when prohibited~~ -- when county election administrator conducts. (1) Conducting elections by mail ballot is only one option available to local officials, and this chapter does not mandate that the procedure be used.

(2) ~~Except as provided in subsection (3), any~~ Any election may be conducted by mail ballot.

(3) ~~The following elections may not be conducted by mail ballot:~~

- ~~—— (a) a regularly scheduled federal, state, or county election;~~
- ~~—— (b) a special federal or state election, unless authorized by the legislature; or~~
- ~~—— (c) a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day.~~

1 ~~(4)~~(3) (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), if more than one mail ballot election is being
2 conducted in the political subdivision on the same day, the county election administrator shall conduct the
3 elections.

4 (b) The requirement that a county election administrator shall conduct more than one mail ballot election
5 on the same day does not apply to a mail ballot school bond election conducted by the trustees of any two or
6 more school districts that have unified pursuant to 20-6-312 or that have created a joint board of trustees pursuant
7 to 20-3-361."

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9 **SECTION 3. SECTION 13-19-202, MCA, IS AMENDED TO READ:**

10 **"13-19-202. Initiation by governing body.** (1) A political subdivision may, by resolution of the governing
11 body addressed to the election administrator, request that a particular election be conducted under the provisions
12 of this chapter.

13 (2) Prior to requesting that a mail ballot be used for a state or federal election pursuant to subsection (1),
14 the governing body shall hold a public hearing on the resolution at least 90 days and no later than 135 days
15 before election day.

16 ~~(2)~~(3) No later than 70 days before election day, the governing body shall transmit its request to the
17 election administrator, who shall determine whether it is economically and administratively feasible to conduct
18 the requested election by mail ballot.

19 ~~(3)~~(4) Except as provided in 13-19-204, the decision to conduct an election under the provisions of this
20 chapter is within the sole discretion of the election administrator.

21 ~~(4)~~(5) Within 5 days after receiving a request, the election administrator shall respond in writing, stating
22 that the request is either granted or denied for reasons specified. If granted, the election administrator shall
23 prepare a plan as provided in 13-19-205."

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25 **SECTION 4. SECTION 13-19-205, MCA, IS AMENDED TO READ:**

26 **"13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) The
27 election administrator shall prepare a written plan, including a timetable, for the conduct of the election and shall
28 submit it to the secretary of state and the governing body concerned at least 60 days prior to the date set for the
29 election.

30 (2) The plan must:

(a) include the location of:

(i) planned dropoff sites for ballots and a description of any other voter services to be provided at those
nd

(ii) any accessible dropoff sites that would include the use of specialized voting equipment designed to
moderate physically disabled voters; and

(b) identify any specific effort designed to increase or enhance the ability of a person to participate in the

~~(2)~~(3) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes. Only the governing body concerned must be notified of any changes to information required in subsection (2).

~~(3)~~(4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

(4)(5) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan."

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